

REMARKS

Claims 14-22, 28-42, and 47-66 are pending in the present application and claims 14, 28, 40-42, and 54 have been amended to further clarify the invention.

Office Action of July 7, 2009

Applicant has carefully reviewed and considered the Office Action of July 7, 2009. Applicant hereby requests entry of this Response and further reconsideration of the present application in view of the following remarks.

The Office Action also rejected claims 14-22, 47, 52-61, and 63 under 35 U.S.C. §103(a) as being unpatentable over Williams et al. (U.S. Pat. No. 5,945,988) in view of Morrison et al (U.S. Pat. No. 6,253,502). The U.S. Pat. No. 6,253,502 is issued to Layton and not to Morrison et al. Applicant assumes that the Examiner made a typographical mistake and the reference should be U.S. Pat. No. 6,263,502 to Morrison et al. The Office Action also rejected claims 28-44, 48-51, and 63-66 under 35 U.S.C. §103(a) as being unpatentable over Williams et al. in view of Lepley et al. (U.S. Pat. No. 5,389,963). Applicant respectfully traverses these grounds of rejection and requests reconsideration thereof.

Rejection Under 35 U.S.C. §101

The Office Action rejected claim 54-59 for being directed to non-statutory matter. Applicant respectfully traverses and request reconsideration. The claims 54-59 are in Beauregard format, which has not been render unpatentable under In Re Bilski (545 F. 3d. 943). Claims are directed toward computer readable medium and not abstract idea. Therefore, Applicant requests reconsideration.

Rejection Under 35 U.S.C. §103(a)

Claim 14

The Office Action stated that Williams et al. discloses every element of claim 14 except transmitting the modified signal to a presentation device; however, the Office Action stated that Morrison discloses this element. Applicant respectfully disagrees with the Examiner's interpretation of the references.

In the Office Action, the Examiner failed to respond the fact that Williams et al. does not disclose in column 5, lines 19-29 modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal as the Office Action stated. Applicant has pointed out that cited passage seems to disclose ways by which a system identifies which user is using the system (col. 5, lines 8-12). The user may use a wireless device to watch TV (col. 5, lines 19-20); the user may surf the Internet (col. 5, lines 21-22). There is no discussion about modifying the volume according to some parameter in the user database 700. Further, column 7, lines 65-67 to column 8, lines 1-2 seems to disclose input signals input through a system controller, which in turn forwards control signals to appropriate components for desired function. Again, there is no mentioning of modifying a media input signal according to one of setting values. 37 CFR 1.104(c)(2) states that "when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable," and the Examiner failed to explicitly identify where exactly Williams et al. discloses modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal. Again, Applicant hereby respectfully requests that the Examiner either clearly point out where such element is disclosed or the rejection be withdrawn.

The Office Action also stated that Williams et al. discloses modifying a plurality of signal according to the base values stored in a multimedia system for the plurality of different media devices without selecting a media device and cited FIG. 7, col. 5, line 30 through col. 6, line 7, and col. 8, line 50 through col. 9, line 30 as support. Applicant respectfully disagrees with the Examiner's interpretation.

It is clear from FIG. 7 and from the Examiner's own statement that the modification suggested by FIG. 7 depends on which media device is selected. The Examiner stated on page 5 that "when Joe user selects channel 11 the profile will instruct the multimedia system [will determine] to adjust the volume of the audio input signal to medium and modify the video input signal to display "Q" supplemental programming [...] according to the baseline values stored in the user profile for the different media devices..." It is clear from the Examiner's statement and FIG. 7 that all

the modifications (channel 11, volume to medium, and "Q" for supplemental programming) is for television and not for computer or audio components. In other words, the modification depends on which device is selected; the modification is not general.

Notwithstanding the above, Applicant has amended claim 14 to further clarify the invention. In particular, amended claim 14 includes modifying the plurality of input signals to obtain a system level baseline according to system baseline values stored in the multimedia system for the plurality of different media devices without selecting a media device. The amendment is fully supported by the specification (page 8, lines 8-16). The modification in amended claim 14 is to obtain a system level baseline without selecting a media device. Applicant submits that this element is not disclosed by the cited references either individually or in combination.

In view that the Examiner failed to clearly point out where in Williams et al. is disclosed modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal and the cited references do not disclose modifying the plurality of input signals to obtain a system level baseline according to system baseline values stored in the multimedia system for the plurality of different media devices without selecting a media device, Applicant submits that amended claim 14 is patentable over the cited reference and early notification thereof is respectfully solicited.

Claims 15-22, 47, 52-53, and 60-62

Claims 15-22 depend from amended claim 14 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 14.

Claims 28 and 40-42

The Office Action rejected claims 28 and 41-42 by using the rejection for claim 40. The Office Action stated in the rejection for claim 40 that Williams et al. discloses every element of claim 40 except a switch for transferring input signals to a

presentation device; however, the Office Action stated that Lepley discloses this element. Applicant respectfully disagrees with the Examiner's interpretation.

However, in an effort to move forward the present application, Applicant has amended claims 28 and 40-42 to further distinguish the invention from the cited references. In particular, amended claims 28 and 40-42 include modifying the plurality of input signals to obtain a system value baseline according to system baseline values stored in the multimedia system for the plurality of different media devices without selecting a media device. The amendment is fully supported by the specification (page 8, lines 8-16). As discussed above with regard to the patentability of amended claim 14, Applicant submits that this element is not disclosed by the cited references either individually or in combination.

In view that the cited references do not disclose modifying the plurality of input signals to obtain a system value baseline according to system baseline values stored in the multimedia system for the plurality of different media devices without selecting a media device, Applicant submits that amended claims 28 and 40-42 are patentable over the cited reference and early notification thereof is respectfully solicited.

Claims 29-39, 51, and 63

Claims 29-39, 51, and 63 depend from amended claim 28 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 28.

Claims 48 and 64

Claims 48 and 64 depend from amended claim 40 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 40.

Claims 49 and 65

Claims 49 and 55 depend from amended claim 41 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 41.

Claims 50 and 65

Claims 50 and 65 depend from amended claim 42 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 42.

Claim 54

The Office Action rejected claim 54 using the same rejection for claim 14 and Applicant disagrees. Claim 54 has been amended similarly as to amended claim 14 and Applicant submits that claim 54 is patentable over the cited references for the same reasons stated above with regard to the patentability of amended claim 14.

Claims 55-59

Claims 55-59 depend from amended claim 54 and Applicant submits that they are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 54.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that claims 14-22, 28-42, and 47-66 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (770-246-2599) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 50-4290.

Respectfully submitted,
Theodore D. Wogofski.
By his Representatives,

Wang Law Firm, Inc.

4989 Peachtree Parkway, Suite 200
Norcross, GA 30092
Telephone: 770-246-2599
Fax: 770-216-1630



Li K. Wang
Reg. No. 44,393

Date September 4, 2009